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3 **UNITED STATES DISTRICT COURT**
4 **CENTRAL DISTRICT OF CALIFORNIA**
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7 SECURITIES AND EXCHANGE
8 COMMISSION,
9

10 Plaintiff,

11 vs.
12 JONATHAN WILLIAM MIKULA, *et*
13 *al.*,

14 Defendants.

15 Case No. 2:22-cv-07096-SB-E
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17 **FINAL JUDGMENT AS TO**
18 **DEFENDANT CHRISTIAN**
19 **FERNANDEZ**

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1 The Securities and Exchange Commission having filed a Complaint and
2 Defendant Christian Fernandez a/k/a Christian Crockwell (“Defendant”) having
3 entered a general appearance; consented to the Court’s jurisdiction over Defendant
4 and the subject matter of this action; consented to entry of this Final Judgment;
5 waived findings of fact and conclusions of law; and waived any right to appeal from
6 this Final Judgment:

I.

8 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is
9 permanently restrained and enjoined from violating, directly or indirectly, Section
10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C.
11 § 78j(b), and Rule 10b-5(a) and (c) promulgated thereunder, 17 C.F.R. § 240.10b-
12 5(a), (c), by using any means or instrumentality of interstate commerce, or of the
13 mails, or of any facility of any national securities exchange, in connection with the
14 purchase or sale of any security:

1. to employ any device, scheme, or artifice to defraud; or
 2. to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
19 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
20 binds the following who receive actual notice of this Final Judgment by personal
21 service or otherwise: (a) Defendant's officers, agents, servants, employees, and
22 attorneys; and (b) other persons in active concert or participation with Defendant or
23 with anyone described in (a).

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating Section 17(a)(1) and (a)(3) of the Securities Act of 1933 (the “Securities Act”), 15 U.S.C. § 77q(a)(1), (3), in the offer or sale of any security by the use of any means or instruments of

1 transportation or communication in interstate commerce or by use of the mails,
2 directly or indirectly:

- 3 1. to employ any device, scheme, or artifice to defraud; or
- 4 2. to engage in any transaction, practice, or course of business which
5 operates or would operate as a fraud or deceit upon the purchaser.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
7 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
8 binds the following who receive actual notice of this Final Judgment by personal
9 service or otherwise: (a) Defendant's officers, agents, servants, employees, and
10 attorneys; and (b) other persons in active concert or participation with Defendant or
11 with anyone described in (a).

12 III.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
14 is permanently restrained and enjoined from violating Section 17(b) of the Securities
15 Act, 15 U.S.C. § 77q(b), by the use of any means or instruments of transportation or
16 communication in interstate commerce or by the use of the mails, to publish, give
17 publicity to, or circulate any notice, circular, advertisement, newspaper, article, letter,
18 investment service, or communication which, though not purporting to offer a
19 security for sale, describes such security for a consideration received or to be
20 received, directly or indirectly, from an issuer, underwriter, or dealer, without fully
21 disclosing the receipt, whether past or prospective, of such consideration in the
22 amount thereof.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
24 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
25 binds the following who receive actual notice of this Final Judgment by personal
26 service or otherwise: (a) Defendant's officers, agents, servants, employees, and
27 attorneys; and (b) other persons in active concert or participation with Defendant or
28 with anyone described in (a).

1 IV.

2 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that pursuant to
3 Sections 21(d)(1) and 21(d)(5) of the Exchange Act, 15 U.S.C. § 78u(d)(1), (5), and
4 Section 20(b) of the Securities Act, 15 U.S.C. § 77t(b), Defendant is permanently
5 restrained and enjoined from, directly or indirectly, including but not limited to,
6 through any entity he owns or controls, assisting with, facilitating, or receiving
7 compensation in any form for a Promotional Campaign related to any security. For
8 purposes of this injunction, “Promotional Campaign” means an effort, the goal of
9 which is to generate interest in any security by, directly or indirectly, publishing,
10 giving publicity to, or circulating any form of written communication, whether
11 electronic or hard copy, which, though not purporting to offer a security for sale,
12 describes such security.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
14 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
15 binds the following who receive actual notice of this Final Judgment by personal
16 service or otherwise: (a) Defendant’s officers, agents, servants, employees, and
17 attorneys; and (b) other persons in active concert or participation with Defendant or
18 with anyone described in (a).

19 V.

20 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
21 Defendant is liable for disgorgement of \$458,160, representing net profits gained as a
22 result of the conduct alleged in the Complaint, together with prejudgment interest
23 thereon in the amount of \$41,557.44, for a total of \$499,717.44. Defendant shall
24 satisfy this obligation by paying \$499,717.44 to the Securities and Exchange
25 Commission within 30 days after entry of this Final Judgment.

26 Defendant may transmit payment electronically to the Commission, which will
27 provide detailed ACH transfer/Fedwire instructions upon request. Payment may also
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1 be made directly from a bank account via Pay.gov through the SEC website at
2 <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified
3 check, bank cashier's check, or United States postal money order payable to the
4 Securities and Exchange Commission, which shall be delivered or mailed to

5 Enterprise Services Center
6 Accounts Receivable Branch
7 6500 South MacArthur Boulevard
8 Oklahoma City, OK 73169

9 and shall be accompanied by a letter identifying the case title, civil action number,
10 and name of this Court; Christian Fernandez as a defendant in this action; and
11 specifying that payment is made pursuant to this Final Judgment.

12 Defendant shall simultaneously transmit photocopies of evidence of payment
13 and case identifying information to the Commission's counsel in this action. By
14 making this payment, Defendant relinquishes all legal and equitable right, title, and
15 interest in such funds and no part of the funds shall be returned to Defendant.

16 The Commission shall hold the funds (collectively, the "Fund") until further
17 order of this Court. The SEC may propose a plan to distribute the Fund subject to the
18 Court's approval, and the Court shall retain jurisdiction over the administration of
19 any distribution of the Fund.

20 The Commission may enforce the Court's judgment for disgorgement and
21 prejudgment interest by using all collection procedures authorized by law, including,
22 but not limited to, moving for civil contempt at any time after 30 days following entry
23 of this Final Judgment. Defendant shall pay post judgment interest on any amounts
24 due after 30 days of entry of this Final Judgment pursuant to 28 U.S.C. § 1961.

25 VI.

26 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
27 based on Defendant's cooperation in a Commission investigation and related
28 enforcement action, the Court is not ordering Defendant to pay a civil penalty. If at

any time following the entry of the Final Judgment the Commission obtains information indicating that Defendant knowingly provided materially false or misleading information or materials to the Commission or in a related proceeding, the Commission may, at its sole discretion and without prior notice to the Defendant, petition the Court for an order requiring Defendant to pay a civil penalty. In connection with any such petition and at any hearing held on such a motion: (a) Defendant will be precluded from arguing that he did not violate the federal securities laws as alleged in the Complaint; (b) Defendant may not challenge the validity of the Judgment, this Consent, or any related Undertakings; (c) the allegations of the Complaint, solely for the purposes of such motion, shall be accepted as and deemed true by the Court; and (d) the Court may determine the issues raised in the motion on the basis of affidavits, declarations, excerpts of sworn deposition or investigative testimony, and documentary evidence without regard to the standards for summary judgment contained in Rule 56(c) of the Federal Rules of Civil Procedure. Under these circumstances, the parties may take discovery, including discovery from appropriate non-parties.

VII.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the
19 Consent is incorporated herein with the same force and effect as if fully set forth
20 herein, and that Defendant shall comply with all of the undertakings and agreements
21 set forth therein.

VIII.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. §523, the allegations in the complaint are true and admitted by Defendant, and further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant under this Final Judgment or any other judgment, order, consent order, decree or settlement agreement entered in connection with this

1 proceeding, is a debt for the violation by Defendant of the federal securities laws or
2 any regulation or order issued under such laws, as set forth in Section 523(a)(19) of
3 the Bankruptcy Code, 11 U.S.C. §523(a)(19).

4 IX.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court
6 shall retain jurisdiction of this matter for the purposes of enforcing the terms of this
7 Judgment.

8 X.

9 There being no just reason for delay, pursuant to Rule 54(b) of the Federal
10 Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith
11 and without further notice.

12 Dated: February 20, 2024



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14 Stanley Blumenfeld, Jr.
15 United States District Judge
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